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**FILED**  
**DISTRICT COURT OF GUAM**

OCT 15 2007 *[Signature]*

**JEANNE G. QUINATA**  
*Clerk of Court*

Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT  
FOR THE TERRITORY OF GUAM

## **Government's Motion based on 3E1.1(b)**

The United States hereby moves this Honorable Court for a departure from the Guidelines total offense level of 22 to 21, as provided by USSG Section 3E1.1(b), on the basis that defendant has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty. As such, the Government has avoided preparing for trial and the defendant has permitted both the Government and the Court to allocate their resources efficiently. The United States moves to decrease the offense level by one (1) level to **21**.

## Government's Motion based on 5K1.1

The United States hereby moves this Honorable Court for a downward departure from the Guidelines to a total offense level of 21, as provided by the USSG Section 5K1.1, on the basis that defendant has rendered substantial assistance to the government in its investigation of drug trafficking on Guam.

The government is filing under seal a separate sentencing memorandum concerning the details of that cooperation. Defendant's present offense level of 21 calls for a range of 37-46 months incarceration. The government is recommending that the defendant's total offense level be reduced by three levels to **18**, which provides for a range of 27-33 months incarceration. The government is recommending that defendant receive 27 months incarceration.

RESPECTFULLY SUBMITTED this 15th day of October, 2007.

**LEONARDO M. RAPADAS**  
United States Attorney  
Districts of Guam and NMI

By:

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